

EAST HAVEN TOWN COUNCIL SPECIAL MEETING MINUTES THURSDAY, DECEMBER 13, 2012

The East Haven Town Council held a special meeting Thursday, December 13, 2012, at 7:00PM at the East Haven Senior Center, 91 Taylor Avenue, East Haven, CT 06512.

Chairman Richard Anania calls the meeting to order at 7:00 pm.

Chairman Anania asks all to stand for the pledge of allegiance.

Mr. Anania asks all to remain standing for a moment of silence for the Prato family.

Item #1

Roll Call- 9 present- 6 absent (Gravino, Sand, Esposito, Badamo, Riolino and Carbo)
A quorum is present.

Item #2

Approval of minutes from December 4, 2012 regular meeting

Councilman Anthony Purificato makes a motion.

Councilman William Richardson seconds the motion.

Voice vote-all in favor-none oppose- none abstain. Motion carries.

Item #3

No correspondence.

Item #4

To consider and act upon a Resolution, pursuant to C.G.S. §7-325, scheduling a public meeting for the purpose of voting to create a special Flood and Erosion Control system "district" to be bounded as follows:

"In East Haven, Connecticut, all parcels of land North of Long Island Sound, East of Caroline Creek, South of Cosey Beach Avenue, and West of Bradford Cove, together with all parcels of land North of Long Island Sound, East of Caroline

Creek and West of Bradford Cove abutting the North side of Cosey Beach Avenue but excluding those parcels abutting the North side of Cosey Beach Avenue owned by the Town of East Haven and any parcel zoned for commercial use.”

Said public meeting shall be held on January 3, 2013, at 7:00PM at the Hagaman Memorial Library - DeMayo Community Room, 227 Main Street, East Haven, CT 06512.

Councilman Robert Parente makes a motion.

Councilman Joseph Santino seconds the motion.

Town Attorney Joseph Zullo explains that some time ago Senator Fasano met with residents down by the beach regarding flood and erosion issues and he informed the residents that many years ago a flood and erosion district was formed similar to this and the goal of any of these is to pursue measures to reduce flooding and erosion. Mr. Zullo says it is governed by State Statute which is not permissive, it is mandatory. If 15 voters submit a petition to the Council, the Council is required to schedule the meeting. At that meeting if two thirds of the members who are eligible to vote, vote in favor of the flood and erosion district, the district is formed and it becomes a special tax district. That district is entitled to raise monies, for example other towns raise money to do feasibility studies to bring in more sand or rearrange the configuration of the beach to reduce flooding. He states that a group who wanted this got together and submitted a petition, he believes they got 29 signatures, 28 were eligible. Mr. Zullo explains that after the petition was filed with the Town Clerk this meeting had to be held because there is a 30 day time frame in which all of this has to be done.

Council comment:

- Councilman Parente asks if this excludes other areas of Town with flooding.
 - Attorney Zullo states that the petitioners are the ones who set the boundary for the district, in the future they are able to expand if someone else wants to join. It includes every property, odd and even on Cosey Beach Avenue and if you are on a cross street but your property abuts Cosey Beach Ave you are in the district, but if you are one house in you are not in the district. It was impossible for the petitioners to draw the line up and down to get everyone in there so they are getting the immediate front in and then if people want to join they can petition.
 - Councilman Parente states that there is an ongoing flood problem along Farm River. Attorney Zullo states that this area is not included at this time, but it is at the election of the petitioners, the Town has no role in this except for being required by Statute to schedule the meeting.

- Councilman Purificato asks if there is a president of the district. Attorney Zullo responds that there is not one until it is formed. Once it is formed they will have an election of officers and will be required to submit minutes from their meetings. He states that Virginia Cellura is one of the primary members pushing for the district; she is at the meeting and can answer questions.
- Councilman Fred Parlato makes a comparison between this district and Woodmont in Milford who had their own special district. He asks if State Statutes regulate the terms and election of offices and is there a budget or any encumbrances on the Town for their operations.
 - Attorney Zullo explains that it costs the Town \$0, it is self supportive; they raise their own monies. There are taxes associated with these entities, which is how they raise their money. Anyone who joins the district will be subject to this tax; that cost is up to the Board of Directors.
 - Mr. Parlato asks if there is any responsibility of the Town as far as auditing transactions, do they have to file reports with the Town.
- Virginia Cellura- 62 Cosey Beach Ave, East Haven, CT. Ms. Cellura explains that she spoke with the Army Corps of Engineers several times and they will not deal with her or the association, they will only deal with the State. Once this gets voted in by 65% of the vote, they will apply for a bond from the State for those who cannot pay for it themselves. The Town of East Haven applies on the association's behalf for the Army Corp to come in; the money collected will be held by the Town and submitted in one lump sum.
- Attorney Zullo says that to his knowledge the Town has no out of pocket expense.
- Councilman Parlato states that his concern is that there are private properties in the association and it may change hands over time, if money is owed to the association for the operation, who will collect it, who will be responsible for it. He adds that he does not want the Town to have any responsibility.
- Attorney Zullo states that the association is required to perform all of their own collection actions to recoup any monies unpaid to them. The only courtesy the Town extends to them, as it does in all special districts, is that the bill for the district is sent out in the normal tax bill so people are notified.
- Councilman Parlato says there must be some guidelines or prerequisites if they are going to vote, he would like to see a copy of the statutes. Attorney Zullo stresses that the State Statute is not permissive, it is mandatory. If it is not voted for they can go to court and take action forcing it to be done. He explains that they satisfied everything by getting the signatures, now if they do anything incorrectly they are on their own, a group of other citizens can challenge their actions in court, it is internal and has nothing to do with the Town.

- Councilman Richardson asks what happens if one of the residents in the boundary decides not to participate. Attorney Zullo states that they have the right to vote against the formation of this district at this meeting, once the district is formed, you can resist their collection efforts but their dues become liens on your property. It would subject them to foreclosure actions.
- Virginia Cellura explains that she has canvassed over 100 houses, she is having difficulty with some people who have moved out and people have left for vacations since it began in September. She estimates having between 115-125 people already, she believes there are 160 involved in this.
- Councilman Richardson asks if there are any people in opposition. Ms. Cellura says that one resident on Cosey Beach Ave and one on Cambridge Court said they are not interested. She states that several people not in those specific areas have contacted her expressing interest in this, but they are not going there yet, but eventually they will add to it.
- Councilman Santino asks if the Town beach will have to be brought out, will the Town have to pay for Four Beaches and the part of Victoria Beach that the Town owns. Ms. Cellura responds that they are not doing Four Beaches, but Victoria Beach is in that tax district. Attorney Zullo states he is still looking into the question regarding Town property, but he believes that essentially the Town can claim they are immune from taxation, but they may not want to do that for a variety of reasons. He states this is more of a public policy issue and when the time comes he will discuss it with the Mayor to make a decision.
- Councilman Santino states that they were told at the meeting everyone had to do it, it won't work if just a few people do it. Ms. Cellura said that is correct, it has to be continuous. The Army Corp of Engineers is doing their own study because there are rock ledges; it would be the person's choice to decide if they don't want their beach out as far as another. It would be the Engineer's decision if they say it is mandatory for it to not wash away the other beaches. They pay for 50% and the association pays for the other 50% of the study, they pay for 65% of the sand coming in and the association pays 35%. She explains that it probably will not happen for three years, but it is important to get it done now and get on the list. She explains that there are no trucks involved in the bringing of sand, they go out on barges and pump in old sand.
- Councilman Gary Depalma states that more than have of the flooding had to do with the tides and the swamps filling up. He asks if this will address those issues. Ms. Cellura states that the study costs \$200,000.00 because they are going to look into everything and tell the association what has to be done. They have already done some preliminary work and informed her Cosey Beach needs it more than any other area. Part of their study is to determine how they will keep the sand there given that the current is so strong.

- Councilman Richardson asks how many residents are in this district. Ms. Cellura states that there are about 160 households in the included area. She raises the question about those who are not living there because their homes have been destroyed.
- Councilman Purificato asks if this district gets passed, do they have to carry their own insurance policy. Attorney Zullo states they have to do everything on their own, they will need their own Council, their own attorney if they need one; they are responsible completely for their own affairs. If someone wants to file a lawsuit for something they feel they did wrong it is on them not the Town.
- Chairman Anania asks if elected officials still vote the same on the ballot in a general election. Attorney Zullo explains it is not an additional district to the five, it is just called a district in the way the Statute reads.

No public comment.

Roll call: all in favor- none oppose. None abstain. Motion carries.

Item #5

Councilman Santino makes a motion to adjourn.

Councilman Purificato seconds the motion.

Voice vote: all in favor- none oppose-none abstain. Motion carries.

Meeting is adjourned at 7:28 PM.

Respectfully Submitted,

Danelle Feeley, Clerk, East Haven Legislative Town Council